IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Revision Application No. 129 of 2006

Shri Ganpat Bhiwa Raut — Applicant

Vs.

M/s.Neel Sagar Co-op.Hsg.Soc.Ltd.
and ors. — Respondents

Mr.S.P.Shetty for applicant.
Mrs.M.H.Mhatre, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 22, 2007.

P.C.

. The complaint was based on the substantial case that from the amount payable to the complainant, 10 per cent was retained illegally and thus the accused had cheated the complainant.

. The accused had challenged the order of issuance of process passed on 4/3/2005 by filing Criminal Revision Application No.141 of 2005 and the same has been allowed. The learned Sessions Judge considered the averments made in para 5 of the complaint and noted that the said allegations by themselves did not make out a case for an offence punishable under Section 405 of IPC. If the Society acted against this resolution, it may be a civil wrong and the remedy for the aggrieved party like the

complainant would be before an appropriate forum created under the Maharashtra Co-operative Societies Act, 1960. At the highest the members of the managing committee may be liable for any action under the said Act but there could be no case for an offence within the meaning of Section 405 read with Section 34 of IPC. This reasoning set out by the learned Sessions Judge cannot be termed as erroneous or perverse and, therefore, this revision fails at the threshold.

. The same is hereby rejected.

(B.H